

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 3-7 and 11-18 are pending in this application, Claims 4 and 7 having been amended, Claims 1, 2 and 8-10 canceled and new Claims 11-18 added by the present amendment.

In the outstanding Official Action, Claims 1, 3, 8, 9 and 10 were rejected under 35 U.S.C. § 102(b) as being anticipated by Aoki, (US 5,999, 504), Claims 2 and 6 were rejected under 35 U.S.C. 103(a) as being unpatentable over Aoki further in view of Horie et al ((US 5,862,123, hereinafter "Horie"). Claims 4, 5 sand 7 were objected to as being dependent upon a rejected base claim, but were otherwise indicated as including allowable subject matter if rewritten in independent form.

Applicants acknowledge with appreciation the indication that Claims 4, 5 and 7 include allowable subject matter. However, since Applicants consider that independent Claims 3, 6, 10 and 18 define allowable subject matter, Claims 4, 5 and 7 have presently been maintained in dependent form.

New Claims 11-13 are method claim counterparts of Claims 3-5. Claims 15 and 17 correspond to cancelled Claim 2, and Claim 18 corresponds to subject matter stated in Claim 5. New Claims 14 and 16 are supported in the original specification from page 23, line 26 to page 24, line 3. No new matter has been added. Accordingly, examination of the newly submitted Claims 11-18 is believed to be in order and is respectfully requested.

Applicants traverse the outstanding grounds for rejection, because in Applicants' view, each of the pending claims patentably defines over the cited prior art references, next discussed.

Firstly considering Aoki, it is Applicants' view that Aoki merely discloses a technology related to amplitude of the wobble signal and the C/N of recording mark recorded in a track, and fails to disclose technology to evaluate the quality of the wobbled track. In contrast, pending Claims 3 and 11 recite a device and a method for evaluating the quality of the wobbled track.

In particular, the address reproducing circuit (FIG. 9) of Aoki inputs a tracking signal to the band pass filter, multiplies an output signal output from the band pass filter and a delayed signal output from the delayed circuit, and inputs the multiplied signal into the LPF. As a result, as shown in Aoki's FIG. 8, the multiplied signal includes both positive and negative components in units of symbol (i.e., address information). Thus, the low pass filter output that is the final output from the address reproducing circuit disadvantageously includes a frequency component corresponding to one symbol (two wobble in FIG. 8), which is different from a frequency component whose frequency is twice as high as that of the basic wave, i.e., address information component.

In contrast, the wobbled track to be evaluated in pending Claims 3 and 11 is wobbled in correspondence with a frequency whose phase is modulated at predetermined timings to reflect predetermined information (e.g., address information). As evident in Claims 3 and 11, a reproduction signal corresponding to the wobbled track is squared without delay, and the quality of the wobbled track is evaluated based on the squared signal. By squaring the reproduction signal without delay, the frequency component and modulation component that correspond to the predetermined information (e.g., address information) included in the reproduction signal are eliminated. Thus, even if the wobbled track reflects the predetermined information (address information), the quality of the wobbled track can be evaluated accurately without being affected by the predetermined information. That is,

according to Applicants' claimed invention, an accurate evaluation for the wobbled track can be achieved.

Aoki does not disclose structure or functionality to evaluate the quality of wobbled track, and therefore it is respectfully submitted that pending Claims 3 and 11 patentably define over Aoki.

Horie, cited with Aoki in the rejection of Claim 6, merely discloses an optical phase change disc described as having high C/N of recording mark recorded in the track, but does not disclose structure or functionality to evaluate the quality of the wobbled track.

Pending Claim 6 recites an information storage medium comprising a wobbled track which satisfies predetermined evaluation standards, and clarifies the standards for stably reading out the predetermined information (e.g., address information). That is, claim 6 defines "a difference between peak and noise levels obtained from the frequency characteristics of the squared reproduction signal becomes not less than 17 dB."

As stated above, Aoki and Horie do not disclose the information storage medium comprising the wobbled track which satisfies predetermined evaluation standards, or standards for stably reading out the predetermined information (e.g., address information).

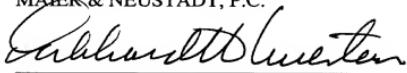
Accordingly, the outstanding grounds for rejection on the merits are believed to have been overcome, and withdrawal thereof is respectfully requested.

Application No. 10/797,128
Reply to Office Action of January 22, 2007

Consequently, in view of the present amendment, and in light of the above discussion, the pending claims presented herewith are believed to be in condition for formal allowance, and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Eckhard H. Kuesters
Attorney of Record
Registration No. 28,870

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

I:\ATTR\EHK25\s\250363US\250363us.am.04-23-07.doc